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8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 **In re:** **Case No. 14-41174 CN**

11 **JOHN BENNY SCHIPANI,** **Chapter 13**

12 **Debtor.**

**MOTION TO MODIFY CHAPTER 13 PLAN**

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14 John Benny Schipani, debtor herein, moves the court for an order  
15 modifying his Chapter 13 plan as follows:

16 **1. FACTUAL BACKGROUND**

17 Debtor will be eighty-four (84) years old in July. He is the  
18 owner/operator of Giovanni, an Italian restaurant in Berkeley that he  
19 opened fifty-two (52) years ago in 1963. Giovanni is one of the oldest  
20 restaurants on Shattuck Avenue in Berkeley.

21 Giovanni suffered a major fire on April 23, 2015, and has been  
22 closed for repairs since then. The insurance carrier is paying for the  
23 repairs, which are estimated to be completed in November, 2015. However,  
24 thusfar the insurance company is only willing to pay debtor \$25,802 total  
25 for business interruption. That will give debtor \$3,225 per month, in  
addition to social security until the restaurant reopens.

Prior to the fire, debtor had agreed in principal with some investors ("Lessees") on a lease with an option to purchase the restaurant and the commercial building which houses Giovanni. The fire has obviously complicated the timing of the deal, but the Lessees remain committed to going through with the plan to lease and eventually purchase the business.

In essence, the Lessees will pay the mortgage payments on the commercial building. Once the restaurant reopens, hopefully in November, 2015, the Lessees will take over the operation of the restaurant and will commence paying debtor's Chapter 13 plan payments until the plan is completed.

## **2. MODIFICATION OF PLAN**

Debtor hereby moves to modify his Chapter 13 plan as outlined in the Modified Chapter 13 Plan attached hereto as exhibit A and as outlined below:

The plan, as modified, provides for payments of \$500.00 per month commencing June, 2015 and continuing through November, 2015. Commencing December, 2015 the plan payments shall be \$6,800 per month until the plan is completed or until the entire balance of the plan is paid off. Any plan arrearages shall be forgiven.

Dated: June 4, 2015

/s/ Patrick L. Forte  
PATRICK L. FORTE  
Attorney for Debtor